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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,263	03/26/2004	Boris Kalinichenko	08575-104001	1624

26161 7590 05/10/2010
FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER

DEGA, MURALI K

ART UNIT	PAPER NUMBER
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3621

NOTIFICATION DATE	DELIVERY MODE
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05/10/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/811,263	Applicant(s) KALINICHENKO ET AL.	
	Examiner MURALI DEGA	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgements

1. This Office action responds to the amendment filed on 01 February 2010.
2. Claims 1-20 are pending.
3. Claims 1-20 have been examined.
4. Amendment to the Specification filed on 01 February 2010 is hereby acknowledged and has been entered.

Specification

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 C.F.R. §1.75(d)(1), MPEP §608.01(o), and MPEP §2181 IV and its discussion of 37 C.F.R. §1.75(d)(1). Correction of the following is required:

- a. “an information carrier” as recited in claim 14, lines 1 and 2.

Claim Rejections - 35 USC § 112 – 1st paragraph

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claim 14 is rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, had possession of the claimed invention.

8. Claim 14 recites “A computer program product, tangibly embodied in an information carrier, the computer program ...” which does not necessarily have support from the specification and is therefore considered new matter. Because Applicants have removed “carrier” from the specification, the “carrier” no longer has 35 U.S.C. §112, first paragraph support.

9.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Leiseca et al. (U.S. 5,253,165) in view of Meunier (U.S. 2002/0186144) and further in view of Scherer (U.S. 7,035,384).

12. With respect to claims 1 and 14:

13. Leiseca discloses a method comprising:

- b. transmitting an electronic form (“information screens”, C 3, ll. 30-31) for display to a user (“data base 1 is programmed to send display information to each of the CRTs in the form of user information screens”, C 3, ll. 28-31).
- c. receiving user-entered data for at least one field present in the electronic form (“data base 1 is programmed to receive and respond to data information entered by

system users”, C 3, ll. 31-33) the electronic form including a link that when activated establishes a voice channel between the user and a customer representative, with the link including a unique identifier associated with the user- entered data that enables a customer representative to view the user- entered data.

d. Leiseca discloses a computerized reservation and scheduling system but does not explicitly disclose a link being provided to the passenger.

e. However, Meunier teaches wherein the form includes a link (“link”, ¶ [0218]) that, when activated, establishes a voice channel between the passenger and a customer representative (“it is provided for the system to automatically establish a voice communication between the user and a live operator”, ¶ [0376]) wherein the link includes a unique identifier (“identification process such as answering personal questions to confirm said user's identity”, ¶ [0269]) associated with the user- entered data that enables a customer representative to view the user- entered data. (“With the help of various means, such as voice instructions over IVR and/or DTMF systems and Internet sites, the user is able to find any rental location in the system register and obtain related maps, directions and link to services”, ¶ [0218]).

f. Also, Meunier teaches establishing a communication link between the user and the Customer Service and Response center by pressing a single button on the OBU or the display. ¶ [0281])

g. Therefore it would have been obvious to a person having ordinary skill in the art, at the time of invention, to have combined the systems of Leiseca and Meunier to provide a form that includes a communication link to initiate a phone call with a live customer

service representative, for instant assistance for better customer service and ease of use, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

h. Leiseca discloses a computerized reservation and scheduling system but does not explicitly disclose a link including a unique identifier associated with the user-entered data.

i. However, Scherer teaches use of 'dialed number' as the unique identifier of the user (C 9, ll. 44-57) as specified in the original specification filed by the Applicants on page 12, lines 7-13. Also, Scherer teaches use of phone number of the user calling the customer service representative as the unique identifier of the user (C 10, ll. 21-30, C. 32, ll. 50-67, C 33, ll. 1-10, C 33, ll. 42-49 and C 39, ll. 17-39) as specified in the original specification filed by the Applicants on page 13, lines 8-15.

j. Therefore it would have been obvious to a person having ordinary skill in the art, at the time of invention, to have combined the systems of Leiseca, Meunier and Scherer to provide a customer assistance method by utilizing a unique number based on the phone numbers being used to call or being called for identifying the user, which is well known as caller identification system or 'Automatic Number Identification' element throughout the telephone networks, for the purpose of extracting the user information automatically from the user database and display the user information to the customer service representative so that the user can be assisted by the representative more effectively with the help of already existing user information, since so doing could be performed readily

and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

14. With respect to claims 6 and 20:

15. Leiseca discloses the electronic form is for making a reservation with a transportation service provider (“user information screens displayed on each of the terminal units by the computerized data base ...”, C.3, ll. 38-68, C. 4, ll. 1-55 and “Various other display screens may be provided for facilitating transactions between the system users”, C. 5, ll. 8-9).

16. With respect to claims 3 and 17:

17. Meunier discloses further comprising authenticating a user (“User authentication”, ¶ [0268], “before enabling a new user to actually use a rental vehicle, the system verifies that the information submitted by a particular user is correct and acceptable without or with minimal human intervention”, ¶ [0181]) before transmitting the electronic form.

18. With respect to claims 4 and 18:

19. Meunier discloses providing the electronic form comprises transmitting the electronic form for display on a wireless handheld device (“Access control means”, ¶ [0096], and “A mobile phone (10), an Internet-enabled mobile phone and any similar or hybrid personal communication device (11)”, ¶ [0100]).

20. With respect to claims 5 and 19:

21. Meunier discloses the unique identifier comprises an extension of a phone number (“Registration related process”, ¶ [0167] and “users with means to securely, autonomously and electronically register or update their personal information with a vehicle rental service provider, such as address, telephone number”, ¶ [0168])

22. With respect to claims 9 and 11:

23. Meunier discloses a system comprising a first computing device adapted to display an electronic form, receive user-entered data for at least one field present in the electronic form, and display a link that, when activated, calls a customer representative and provides a unique identifier associated with the user-entered data that enables a second computing device to retrieve and display the user-entered data based on the unique identifier (“an Internet-enabled mobile phone and any similar or hybrid personal communication device (11), ¶ [0100] and Fig. 2 item 11, also see the claim 1 rejection above).

24. With respect to claim 10:

25. Meunier discloses a second computing device adapted to receive the unique identifier, retrieve the user-entered data based on the unique identifier and display the user-entered data (“a central reservations, management and location system (CRMLS) in communication through a communications network ... performing all reservations and management functions”, Abstract and ¶ [0062])

26. With respect to claim 12:

27. Meunier discloses the unique identifier comprises identification of a voice channel so that the voice channel cannot be accessed by a unauthorized person (“Registration related process”, ¶ [0167] and "users with means to securely, autonomously and electronically register or update their personal information with a vehicle rental service provider, such as address, telephone number", ¶ [0168]).

28. Therefore it would have been obvious to one of ordinary skill in the art, at he time of invention to have combined the systems of Leiseca and Meunier, to include use of wireless

handheld device capable of communicating the identification information for authentication purpose and internet capable to display the forms and accept user input through a key pad, for the purposes of ease of use, customer convenience and user information security, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

29. Claims 2, 7, 15 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Leiseca, Meunier and Scherer as described above and further in view of Garbers et al. (US 2004/0073440).

30. With respect to claims 2 and 16:

31. Leiseca, Meunier and Scherer disclose computerized reservation with minimal human intervention using the user called number or the user phone number as unique identifier, but do not explicitly disclose active and prolonged participation of a live customer representative.

32. However, Garbers teaches involvement of a customer service representative called “agent” who performs who performs retrieving, by a computing device associated with the customer representative, the user-entered data based on the unique identifier (“the agent must confirm that the customer has a valid reservation and that the agency has a vehicle of the type identified in the reservation available for assignment to the customer. Once the agent confirms these things, the agent selects an available vehicle (i.e., if more than one vehicle is available for assignment) and assigns the selected vehicle to the customer (e.g., by the input of customer and vehicle information to a computer system) ¶ [0004]).

33. With respect to claim 7:

34. Garbers discloses receiving user-entered data comprises receiving user-entered data corresponding to a pick-up location, a drop-off location, a date service is required, and a time service is required (“The vehicle reservation application 304 collects information related to a reservation from each user, including, but not limited to: the user's identification code (i.e., assigned to a user when the user is provided with a smart key for use with a fleet's vehicles 112); the start day/time of the reservation; the end day/time of the reservation; the desired vehicle pickup location;”, ¶ [0034]).

35. With respect to claim 15:

36. Garbers discloses wherein the instructions are further operable to cause the data processing apparatus to enable the customer service representative to enter additional information not included in the user-entered data to make a reservation to enable dispatching a car and billing the passenger accordingly (“the agent selects an available vehicle (i.e., if more than one vehicle is available for assignment) and assigns the selected vehicle to the customer (e.g., by the input of customer and vehicle information to a computer system). The agent then provides the customer with conventional toothed metal keys unique to the vehicle (i.e., the toothed metal keys work only with one vehicle), information which identifies the current location of the vehicle (e.g., a number assigned to the parking space in which the vehicle was placed by other vehicle rental agency personnel), and instructions directing the customer on how to find the vehicle's location”. ¶ [0004])

37. Therefore it would have been obvious to one of ordinary skill in the art, at the time of invention to have combined the systems of Leiseca and Meunier with that of Garbers, to include participation of active and live customer representative to assist the customer in completing the

vehicle reservation and use of pickup, drop-off location and date and times, for reservation accuracy, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

38. Claim 8 is rejected under 35 U.S.C. §103(a) as being unpatentable over Leiseca, Meunier and Scherer as described above and further in view of Mashinsky (US 20060059023).

39. With respect to claim 8:

40. Leiseca, Meunier and Scherer disclose computerized reservation of vehicles using the user called number or the user phone number as unique identifier, but do not explicitly disclose a driver.

41. However, Mashinsky teaches a taxi reservation system in which the reservation is associated with reserving a vehicle and a driver (“a taxi-reservation system 100 comprising an exemplary network of a plurality of taxi customers 110, taxi drivers 120 and a central controller 130”, ¶ [0026])

42. Therefore it would have been obvious to one of ordinary skill in the art, at the time of invention to have combined the systems of Leiseca, Meunier and Scherer with that of Mashinsky, to include reservation of a driver if a customer so desires for added comfort of the customer where the customer need not have to drive the vehicle, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

43. Claim 13 is rejected under 35 U.S.C. §103(a) as being unpatentable over Leiseca, Meunier and Scherer as described above and further in view of Official Notice.

44. The Examiner takes Official Notice that it is old and well known in the art that wireless handheld devices (wireless phones or cell phones) are capable of accepting voice commands to initiate calls for hands free calling as a safety measure for the automobile drivers while driving. Also, refer to PG publication US 2005/0113122 of Korneluk, ¶ [0019].

45. Therefore it would have been obvious to person having ordinary skill in the art, at the time of the invention, to have modified the system of Leiseca, Meunier and Scherer to include a customer using a wireless handheld device as recited in claim 11 as a first computing device as recited in claim 9, that is capable of accepting voice commands from the customer, as was well known to those of ordinary skill in the art, in order to provide an added comfort feature, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Claim Rejections - 35 USC § 102

46. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

47. Claims 9, 12, and 13 are *alternatively* rejected under 35 U.S.C. §102(b) as being anticipated by Block et. al. (U.S. 2003/0055689 A1)(“Block”). In this rejection (and this rejection only), the Examiner uses hardware only. Block discloses a first computing device (the

hardware only of **2**), the hardware of **2** is adapted to display virtually any graphics image on monitor **10** (therefore including an electronic form), receive user entered data (via keyboard **4**) and display virtually any link (using the browser). For this rejection only, the hardware in Block is clearly *adapted to* perform all the claim functions.

48. To overcome this rejection, the Examiner recommends having a claim state that the first device is 'programmed to' perform the claimed functions. Applicant is reminded that all amendments must be made in accordance with MPEP §608.01(o) ¶3. See paragraph #65 below.

49. Claims 10 and 11 are *alternatively* rejected under 35 U.S.C. §103(a) as being unpatentable over Block.

50. Block discloses as discussed above. Block also discloses that the device may be a cell phone **17**. Block does not directly disclose two computers. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Block and include two computing devices **2**. Such a modification would have provided multiple users access to the Internet **12**. Additionally absent unexpected results, duplication of parts (hardware in **2**) does not ordinarily render a known object non-obvious.

Claim Interpretation

51. Because none of the examined claims recite "step for" or "means for," the examined claims (*i.e.* claims 1-20) fail Prong (A) as set forth in MPEP §2181 I. Because all examined claims fail Prong (A) as set forth in MPEP §2181 I., the Examiner concludes that the examined

claims do not invoke 35 U.S.C. §112, 6th Paragraph. See also *Ex parte Miyazaki*, 89 USPQ2d 1207, 1215-16 (B.P.A.I. 2008)(precedential).

^{52.} After careful review of the original specification, the Examiner is unable to locate any lexicographic definitions with the required clarity, deliberateness, and precision. See MPEP § 2111.01 IV.

^{53.} With respect to claims 9-13, the Examiner notes the following: “A ‘system’ is an ‘apparatus.’” *Ex parte Fressola* 27 USPQ2d 1608, 1611 (B.P.A.I. 1993) citing *In re Walter*, 618 F.2d 758, 762 n.2, 205 USPQ 397, 402 n.2 (CCPA 1980). Additionally, “[c]laims in apparatus form conventionally fall into the 35 U.S.C. §101 statutory category of a ‘machine.’” *Ex parte Donner*, 53 USPQ2d 1699, 1701 (B.P.A.I. 1999)(unpublished), (Paper No. 34, page 5, issued as U.S. Patent 5,999,907). Therefore, it is the Examiner’s position that Applicants’ system claims (*i.e.* claims 9-13) are “product,” “apparatus,” or more specifically, “machine” claims.¹

Response to Arguments

Applicant’s Arguments Regarding 35 U.S.C. § 101 rejection:

54. In view of the amendments made by the Applicants to the specification and entered in to record, the 35 U.S.C. § 101 rejection is hereby withdrawn.

¹ Products may be either machines, manufactures, or compositions of matter. MPEP §2106 IV B. 2 (a).

Applicant's Arguments Regarding 35 U.S.C. § 112 2nd Paragraph rejection:

55. In view of the amendments made by the Applicants, to the claim 1, the 112 2nd Paragraph rejections to claim 1 made in ¶¶ 13, 14, 15, 16 and 17 of the previous Office action with a Paper number of 20091001, mailed on 08 October 2009, are hereby withdrawn.

56. However, the rejection of claim 3 under 35 U.S.C. § 112 2nd Paragraph rejection in ¶ 18, remains.

Applicant's Arguments regarding claim 1:

57. Applicants argue that the combination of Leiseca and Meunier does not disclose or render obvious the amended claim 1 that recites “the link including a unique identifier associated with the user-entered data that enables a customer representative to view the user-entered data” as amended.

Examiner's Response:

58. Applicant's argument with respect to claim1 has been considered but is moot in view of the new ground(s) of rejection.

Applicant's Arguments regarding claim 13:

59. Applicants argue that “The examiner has not point (–pointed–) to any evidence or presented any reasoning that justifies reliance on official notice”.

Examiner's Response:

60. The Examiner respectfully disagrees.

61. The Examiner has provided reference to a PG Publication and respectfully requests the Applicants to refer to ¶ [53] of the previous Office with a Paper number of 20091001, mailed on 08 October 2009.

Conclusion

62. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

63. Applicants amendment filed 01 February 2010 necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

64. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 C.F.R. § 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

65. Applicants are respectfully reminded that any suggestions or examples of claim language provided by the Examiner are just that—suggestions or examples—and do not constitute a formal requirement mandated by the Examiner. To be especially clear, any suggestion or example provided in this Office Action (or in any future office action) does not constitute a formal requirement mandated by the Examiner.

Should Applicants decide to amend the claims, Applicants are also reminded that—like always—no new matter is allowed. The Examiner therefore leaves it up to Applicants to choose the precise claim language of the amendment in order to ensure that the amended language complies with 35 U.S.C. § 112 1st paragraph.

Independent of the requirements under 35 U.S.C. § 112 1st paragraph, Applicants are also respectfully reminded that when amending a particular claim, all claim terms must have clear support or antecedent basis in the specification. See 37 C.F.R. § 1.75(d)(1) and MPEP § 608.01(o). Should Applicants amend the claims such that the claim language no longer has clear support or antecedent basis in the specification, an objection to the specification may result. Therefore, in these rare situations where the amended claim language does not have clear support or antecedent basis in the specification and to prevent a subsequent ‘Objection to the Specification’ in the next office action, Applicants are encouraged to either (1) re-evaluate the amendment and change the claim language so the claims do have clear support or antecedent basis or, (2) amend the specification to ensure that the claim language does have clear support or antecedent basis. See again MPEP § 608.01(o) (¶3). Should Applicants choose to amend the specification, Applicants are reminded that—like always—no new matter in the specification is

allowed. See 35 U.S.C. § 132(a). If Applicants have any questions on this matter, Applicants are encouraged to contact the Examiner via the telephone number listed below.

66. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to MURALI DEGA whose telephone number is (571)270-5394.

The Examiner can normally be reached on Monday to Thursday 7.00AM to 5.30 PM.

67. If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

68. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Murali K. Dega/

Art Unit 3621

May 05, 2010

/ANDREW J. FISCHER/

Supervisory Patent Examiner, Art Unit 3621